

Remark

Applicant respectfully requests reconsideration of this application as amended. No Claims have been amended. No claims have been cancelled. Therefore, claims 1-38 are present for examination.

35 U.S.C. §102 Rejection***Lu***

The Examiner has rejected claims 1-3, 5-21 and 23-38 under 35 U.S.C. §102 (e) as being anticipated by Lu et al., U.S. Patent No. 6,212,395 ("Lu"). Anticipation requires that the reference show each and every feature of the claimed invention. Lu shows a public mobile switching center (MSC) and a private mobile switching center for use as a PBX. Col. 7 lines 26-40 explain that the two MSCs communicate using conventional GSM protocols. Col. 8, lines 10-22 explain that the difference between a standard GSM handset and a handset of the private MSC is that the standard handset is not registered in the home location register (HLR) of the private MSC.

Thus it would appear that Lu operates conventionally using GSM protocols. Using some features already built into GSM, it can exclude or include GSM handsets from a private system and from the public system. These features would appear to be similar to the features that conventionally control roaming, home networks, home service providers and the like.

The Examiner has rejected Claim 1 based on Figure 19 of Lu. The Examiner has not identified how "a wireless access communication unit" is being read onto Lu. Accordingly, Applicants can not respond to the rejection of the first element of Claim 1.

The second element of Claim 1 has some additional features that are not present in Figure 19.

1) "transporting call data over a wireless connection between the wireless access communication unit and the base station..."

The Examiner has not identified the wireless access communication unit. The only wireless connection with a base station in Lu is between a mobile unit and the base stations. However, connection management and mobility management functions are not performed between a base station and a mobile unit in GSM.

2) "transporting call data... using a non-GSM... physical layer protocol"

Applicants are unable to find any non-GSM physical layers in Figure 19, nor in the rest of the reference.

3) "transporting call data... using... a non-GSM over-the-air... protocol"

Applicants are unable to find any non-GSM over-the-air protocols in Figure 19, nor in the rest of Lu.

Accordingly, absent a showing of these limitations of Claim 1, Claim 1 is not anticipated. All of the other independent claims are rejected on the same basis as Claim 1. The remaining claims are dependent and are allowable on the same grounds as the corresponding independent claims, *inter alia*.

35 U.S.C. §103 Rejection

Lu and Kulkarni

The Examiner has rejected claims 4 and 22 under 35 U.S.C. §103 (a) as being unpatentable over Lu, in view of Kulkarni, et al., U.S. Patent No. 5,862,481 ("Kulkarni").

Kulkarni shows a mobile unit using a MIN and ESN to identify itself to an IS-41 base station. According to Col. 4, lines 36-56, this type of data is inconsistent with GSM. The Examiner has failed to explain how Kulkarni would lead a person of average skill in the art to use IS-661 to transport information to a base station that is performing GSM functions. Accordingly, this rejection is believed to be traversed.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

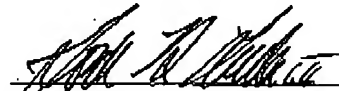
Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
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